

**CAUSE NO. 202238894**

<b>EPIPHANY PROPERTIES, LLC,</b>	§	<b>IN THE DISTRICT COURT OF</b>
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>LISA MARIE HALL-WOODS,</b>	§	
<b>DIANE HALL DENT, LEROY BOYD,</b>	§	
<b>SR., ARLENE FERN HALL NASSER,</b>	§	
<b>ANITA R. HALL-HERRING, KELITA</b>	§	
<b>T. BOYD, JONATHAN BOYD, JR.,</b>	§	
<b>ANNETTE HALL AKA ANNETTE</b>	§	
<b>HALL-HULLETT, AND DEUTSCHE</b>	§	
<b>BANK NATIONAL TRUST COMPANY,</b>	§	
<b>AS TRUSTEE, IN TRUST FOR</b>	§	
<b>REGISTERED HOLDERS OF LONG</b>	§	
<b>BEACH MORTGAGE LOAN TRUST</b>	§	
<b>2005-WL3, ASSET-BACKED</b>	§	
<b>CERTIFICATES, SERIES 2005-WL3,</b>	§	
	§	
<b>Defendants.</b>	§	<b>127TH JUDICIAL DISTRICT</b>

**MOTION FOR APPOINTMENT OF RECEIVER**

COMES NOW Epiphany Properties, LLC (“Plaintiff”) and files this Motion for Appointment of Receiver seeking partition of residential real property under Chapter 23 of the Texas Property Code and Rules 756 et seq., of the Texas Rules of Civil Procedure. Plaintiff names Lisa Marie Hall-Woods, Diane Hall Dent, Leroy Boyd, Sr., Arlene Fern Hall Nasser, Anita R. Hall-Herring, Kelita T. Boyd, Jonathan Boyd, Jr., Annette Hall aka Annette Hall-Hullett, and Deutsche Bank National Trust Company, As Trustee, in Trust for Registered Holders of Long Beach Mortgage Loan Trust 2005-WL3, Asset-backed Certificates, Series 2005-WL3 (“Trustee”) (collectively “Defendants”) as Defendants because they appear to claim an interest in the real property at issue, and respectfully shows the Court as follows:

**MOTION FOR RECEIVER**

## **RELEVANT FACTS**

1. This Petition concerns the real property and improvements thereon located at 8506 Clarewood, Houston, Texas 77036 and more specifically described as:

Lot 7 in Block 25 of Sharpstown County Club Estates, Section 3, A Subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 96, Page 6 of the Map Records of Harris County, Texas (the "Property").

2. Plaintiff acquired its interest on the Property on or about January 10, 2022 obtaining title via Special Warranty Deed from Christian Consultants of Texas, LLC ("CCTX Deed") which is recorded in the real property records of Harris County, Texas under instrument number RP-2022-20612. A true and correct copy of the Hall Deed is attached to the Plaintiff's Petition as exhibit A. Christian Consultants of Texas, LLC ("CCTX") purchased the Property on November 16, 2021 from Defendant Annette Hall, who executed a Special Warranty Deed on behalf of herself and the estate of Estelle Hall which was recorded in the real property records of Harris County, Texas under instrument number RP-2021-68963 ("Hall Deed"). A true and correct copy of the Hall Deed is attached to the Petition as exhibit B. Estelle Hall was the record title owner of the Property until her death on or about August 31, 2011.

3. Plaintiff hired a general contractor to do significant repairs and improvements to the Property, readying the Property for sale. Plaintiff then listed the Property for sale, with a buyer ready to purchase, when Plaintiff received correspondence from attorneys on behalf of Defendants Anita Hall-Herring, who took action to stop any sale of the Property by Plaintiff.

4. According to the counsel for Defendants, an Affidavit of Heirship was executed by Anita Hall-Herring wherein the heirs at law of Estelle Hall who had acquired an interest in the Property included the named Defendants Lisa Marie Hall-Woods, Diane Hall Dent, Leroy Boyd, Sr., Arlene Fern Hall Nasser, Anita R. Hall-Herring, Kelita T. Boyd, Jonathan Boyd, Jr., and

Annette Hall aka Annette Hall-Hullett. The Affidavit of Heirship is recorded in the real property records of Harris County, Texas under instrument number RP-2022-36782, a true and correct copy of which is attached to the Petition as exhibit C.

5. Plaintiff has been unable to sell the Property nor coordinate a resolution of the title issues on the Property with the Defendants. None of the other named Defendants have taken any steps to resolve the title issues, reinstate or payoff the Defendant Trustee's lien, or otherwise care for the Property.

6. Plaintiff seeks the appointment of a receiver to sell the Property, payoff Defendant Deutsche Bank's lien, the mechanic's liens, and divide the remaining equity between Plaintiff and the Defendants.

### **PARTITION**

7. Plaintiff asks the Court to partition the Property under Chapter 23 of the Texas Property Code. The Texas Property Code provides that "[a] joint owner or claimant of real property or an interest in real property ... may compel a partition of the interest or the property among the joint owners or claimants under this chapter and the Texas Rules of Civil Procedure." Tex. Prop.Code Ann. § 23.001 (Vernon 2000); *see also* Tex.R. Civ. P. 770. The right to partition has been characterized as "absolute." *Mayes v. Stewart*, 11 S.W.3d 440, 457 (Tex.App.-Houston [14th Dist.] 2000, pet. denied); *Carter v. Charles*, 853 S.W.2d 667, 671 (Tex.App.-Houston [14th Dist.] 1993, no writ).

8. If the property cannot be partitioned in kind, there must be a partition by sale. Tex.R. Civ. P. 770; *Carter*, 853 S.W.2d at 671–72; *Beago v. Ceres*, 619 S.W.2d 293, 295 (Tex.Civ.App.-Houston [1st Dist.] 1981, no writ). "The party seeking to have the property sold need not show that partition in kind is physically impossible, but only that partition in sale would

best serve the parties' interest and restore or preserve the maximum value of the property.” *Taylor v. Hill*, 2004 WL 1469300, at \*1 (Tex.App.-Austin July 1, 2004, no pet.). The Property in question is a single-family residence wherein the improvements on the Property, the dwelling, constitutes a value that far exceeds the value of the land itself and therefore is not able to be partitioned in kind.

9. To effect equitable partition, the Property should be sold and the proceeds apportioned among the parties according to their respective ownership interests.

10. As the Property is a single-family residence and is not capable of partition in kind, Texas Rule of Civil Procedure 770 provides that the Court shall appoint a receiver and order sale of the Property, the proceeds of which are to be split amongst the owners. *See* Tex. R. Civ. Proc. 770; *Long v. Spencer*, 137 S.W.3d 923, 925 (Tex. App.—Dallas 2004, no pet.).

11. Plaintiff seeks appointment of a receiver pursuant to Texas Rule of Civil Procedure 770. *See, e.g. Green v. Doakes*, 593 S.W.2d 762 (Tex.Civ.App.—Houston [1st Dist.] 1979, no writ). This Court has jurisdiction over this proceeding to appoint a receiver and partition the Property. *Id.*; *Haas v. Otto*, 392 S.W.3d 290, 292 (Tex. App.—Eastland 2012, no pet.).

12. Alternatively, Plaintiff seeks the appointment of a receiver over the Property pursuant to Section 64.001(a)(6) of the Texas Civil Practice and Remedies Code which provides that a “court of competent jurisdiction may appoint a receiver: (6) in any other case in which a receiver may be appointed under the rules of equity.” Additionally, Section 64.001(a)(3) allows appointment of a receiver “in an action between partners or others jointly owning or interested in any property or fund.”

13. There is significant equity in the Property. Plaintiff has information and belief that the market value of the Property is at least \$375,000. (See Exhibit D, Declaration of Kevin Pawlowski attached to Plaintiff’s Petition. The total payoff of the Trustee lien is approximately

\$173,000. With equity in the Property of approximately \$200,000, the appointment of a receiver is warranted.

14. Plaintiff seeks the appointment of Howard Spector as a receiver in this cause, whose information is as follows:

Howard Marc Spector, Attorney at Law, 12770 Coit Road, Banner Place, Suite 1100, Dallas, Texas 75251, (214) 365-5377, (214 )237-3380 Fax, email address hms7@cornell.edu.

15. Mr. Spector previously served as a receiver in numerous cases before courts of the State of Texas and is qualified to serve. (See Exhibit E to Plaintiff's Petition). Plaintiff requests that a minimal bond be required.

16. In light of the imminent loss of the Property with equity of approximately \$200,000, Plaintiff believes the need for a receiver on an ex parte basis in this cause is appropriate. Plaintiff has provided the parties with notice of a hearing on this application prior to the hearing as required under Texas Rule of Civil Procedure 695, and the Court's local rules.

17. Trustee is an indispensable party to the extent that the Trustee has a lien interest on the subject Property.

### **PRAYER**

Plaintiff respectfully prays that upon a hearing of the cause, a receiver be appointed to market and sell the Property, a decree be entered partitioning the Property and any improvements according to law and equity, ordering the sale of the Property and partitioning the proceeds of the sale to the appropriate parties according to law and equity; and granting such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

/s/ Jason A. LeBoeuf  
Jason A. LeBoeuf  
Texas Bar Number 24032662  
Email: jason@leboeuflawfirm.com  
LEBOEUF LAW FIRM, PLLC  
675 Town Square Blvd., Suite 200  
Building 1A  
Garland, Texas 75040  
Telephone: 214.206.7423  
Facsimile: 215.730.5944

ATTORNEY FOR PLAINTIFF

**CERTIFICATE OF CONFERENCE**

The undersigned counsel for Plaintiff certifies that he has conferred with counsel for Defendant Deutsche Bank and they are not opposed to appointment of a receiver to sell the property.

/s/ Jason A. LeBoeuf  
Jason A. LeBoeuf

**CERTIFICATE OF SERVICE**

I certify that the above motion was served via the court's electronic system or via email or regular mail on all parties and/or counsel of record in accordance with the Texas Rules of Civil Procedure on this 11<sup>th</sup> day of January, 2023.

/s/ Jason A. LeBoeuf  
Jason A. LeBoeuf

**MOTION FOR RECEIVER**

# EXHIBIT A

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SPECIAL WARRANTY DEED**

GF#21-121534R

STATE OF TEXAS

COUNTY OF HARRIS

Date: JANUARY 10<sup>th</sup> 2022

Grantor: CHRISTIAN CONSULTANTS OF TEXAS, LLC

Grantor's Mailing Address:

CHRISTIAN CONSULTANTS OF TEXAS, LLC

222 Wedgewood dr  
Montgomery TX 77556

Grantee: EPIPHANY PROPERTIES, LLC LLC

Grantee's Mailing Address:

EPIPHANY PROPERTIES, LLC LLC

222 Wedgewood dr  
Montgomery TX 77556

Consideration:

TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

LOT SEVEN (7), IN BLOCK TWENTY-FIVE (25), OF SHARPSTOWN COUNTRY CLUB ESTATES, SECTION THREE (3), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 96, PAGE 6. OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

Exceptions to Conveyance and Warranty:

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; any prior reservations or conveyances for oil gas or other minerals that may be produced from the Property; validly

RP-2022-20612



lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs, or oceans, (b) lands beyond the line of the harbor or bulkhead lines as established or changed by any government, (c) filled-in lands or artificial islands, (d) water rights, including riparian rights, or (e) the area extending from the line of mean low tide to the line of vegetation or the right of access to that area or easement along and across that area.

Grantor, for the Consideration and subject to the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, except as to the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

CHRISTIAN CONSULTANTS OF TEXAS,  
LLC

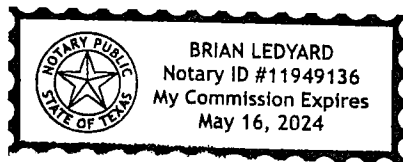
By: [Signature]  
Name: KEVIN PAWLOWSKI  
Title: managing member

STATE OF TEXAS §

§

COUNTY OF §

This instrument was acknowledged before me on JANUARY 10, 2022, by Kevin Pawlowski of CHRISTIAN CONSULTANTS OF TEXAS, LLC, on behalf of said entity.



[Signature]  
Notary Public, State of Texas

PREPARED IN THE OFFICE OF:  
Law Office of  
Albert E. Butler, P.C.  
5353 West Alabama, Suite 515  
Houston, Texas 77056  
Tel: (713) 369-6500  
Fax: (713) 758-0207

AFTER RECORDING RETURN TO:

RP-2022-20612

RP-2022-20612  
# Pages 3  
01/12/2022 09:42 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$22.00

COPY UNOFFICIAL

RECORDERS MEMORANDUM

This instrument was received and recorded electronically  
and any blackouts, additions or changes were present  
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or  
use of the described real property because of color or  
race is invalid and unenforceable under federal law.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in  
File Number Sequence on the date and at the time stamped  
hereon by me; and was duly RECORDED in the Official  
Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

# EXHIBIT B

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## **SPECIAL WARRANTY DEED**

**THE STATE OF TEXAS**

§

§

**COUNTY OF HARRIS**

§

**KNOW ALL MEN BY THESE PRESENTS:**

THAT THE UNDERSIGNED, ESTATE OF ESTELLE HALL/ANNETTE HALL/EXECUTOR, hereinafter referred to as "Grantor," for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee, herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has **GRANTED, SOLD, and CONVEYED**, and by these presents does hereby **GRANT, SELL, and CONVEY** unto **CHRISTIAN CONSULTANTS OF TEXAS, LLC**, herein referred to as "Grantee," the real property described as follows, to-wit:

Legal Description: LOT SEVEN (7), IN BLOCK TWENTY-FIVE (25), OF SHARPSTOWN COUNTRY CLUB ESTATES, SECTION THREE (3), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 96, PAGE 6. OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions, and restrictions, relating to the hereinabove described property as now reflected by the records of the County Clerk of Harris County, Texas.

**TO HAVE AND TO HOLD** the above described premises, together with all the rights and appurtenances lawfully accompanying it, by the Grantee, Grantee's heirs, executors, administrators, successors, and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors, and/or assigns to **WARRANT AND FOREVER DEFEND** all the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.

EXECUTED this 16 of November 2021.

Estate of Estelle Hall

Annette Hall

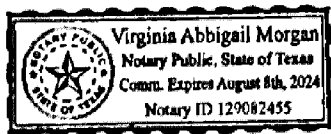
**SIGNATURE – ESTATE OF ESTELLE HALL/Executor**

Annette Hall  
(Print Name)

THE STATE OF TEXAS

COUNTY OF HARRIS

The foregoing instrument was acknowledged before me on the 16 of November 2021, by ESTATE OF ESTELLE HALL/ Annette Hall /EXECUTOR



[Signature]  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

Please return to:  
Christian Consultants of Texas LLC  
222 Wedgewood  
Montgomery, TX 77356

RP-2021-689632

RP-2021-689632  
# Pages 3  
12/02/2021 11:49 AM  
e-Filed & e-Recorded in the  
Official Public Records of  
HARRIS COUNTY  
TENESHIA HUDSPETH  
COUNTY CLERK  
Fees \$22.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

# EXHIBIT C

**AFFIDAVIT OF HEIRSHIP**

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**Date:** Jan 20, 2022

**Decedent:** Estelle Boyd Hall

**Affiant's relationship to Decedent:** Daughter

**Affiant:** Anita R. Hall-Herring

**Affiant's Address of Residence:** 20 Crystal Lake Drive, Sterrett, Alabama 35147

Affiant on oath swears that the following statements are true and are within the personal knowledge of Affiant:

1. My name is Anita R. Hall-Herring and I am personally familiar with the family and marital history of Decedent, Estelle Boyd Hall, and I have personal knowledge of the facts stated in this affidavit.

2. I knew Decedent from or earlier than October 14, 1961, until the date of Decedent's death. Decedent died at the age of seventy-seven (77) on August 31, 2011. Decedent's place of death was in Harris County, Texas. At the time of Decedent's death, Decedent's residence was 8506 Clarewood Drive, Houston, Harris County, Texas 77036.

3. Decedent's marital history is as follows: Decedent was married one (1) time. Decedent married her only spouse, Casbe Hall, on June 19, 1953. Decedent's marriage to Casbe terminated upon the death of Casbe on June 20, 2000.

4. Decedent had seven (7) children born from her marriage to Casbe Hall. Decedent's living children are as follows:

- (1) Lisa Marie Hall-Woods (Born February 14, 1965); residing at 307 Hardwick Lane, Pell City, Alabama 35128 (1/7<sup>th</sup> interest in Decedent's real and personal property);
- (2) Anita R. Hall-Herring (Born October 14, 1961); residing at 20 Crystal Lake Drive, Sterrett, Alabama 35147 (1/7<sup>th</sup> interest in Decedent's real and personal property);
- (3) Diane Hall Dent (Born August 31, 1958); residing at 191 Whalley Avenue, New Haven, Connecticut 06511 (1/7<sup>th</sup> interest in Decedent's real and personal property);
- (4) Leroy Boyd, Senior (Born December 15, 1952); residing at 20 Cliff Springs Road, Springville, Alabama 35146 (1/7<sup>th</sup> interest in Decedent's real and personal property);
- (5) Arlene Fern Hall Nasser (Born March 29, 1956); residing at 12651 Artesia Avenue, #324, Cerritos, California 90703 (1/7<sup>th</sup> interest in Decedent's real and



personal property); and

- (6) Annette Hall-Hullett (Born August 3, 1957); residing at 8506 Clarewood Drive, Houston, Texas 77036 (1/7<sup>th</sup> interest in Decedent's real and personal property);

5. Decedent was predeceased by the following child:

- (7) Jonathan Boyd, Senior (Born May 20, 1954 and Died June 18, 2011).

6. Decedent's deceased child was survived by the following two (2) grandchildren of Decedent:

- (1) Kelita T. Boyd; residing at 3703 4<sup>th</sup> Street SE, #B, Washington DC 20032 (1/14<sup>th</sup> interest in Decedent's real and personal property); and  
(2) Jonathan Boyd, Junior; residing at 2491 Canal Street, Apt 133, Houston, Texas 77003 (1/14<sup>th</sup> interest in Decedent's real and personal property).

7. Decedent did not have or adopt any other children and did not take any other children into Decedent's home or raise any other children.

8. The following persons have knowledge regarding Decedent, the identities of Decedent's children, if any, parents, or siblings, if any:

- (1) Shelley Stuart.; and  
(2) Doris Stuart.

9. Decedent died without leaving a written will.

10. There has been no administration of Decedent's estate.

11. Decedent left no debts that are unpaid, except: none.

12. There are no unpaid estate or inheritance taxes, except: none.

13. To the best of my knowledge, Decedent owned an interest in the following real property:

**LOT SEVEN (7), IN BLOCK TWENTY-FIVE (25), OF SHARPSTOWN COUNTRY CLUB ESTATES, SECTION THREE (3), A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN VOLUME 96, PAGE 6, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS; MORE COMMONLY KNOWN AS 8506 CLAREWOOD DRIVE, HOUSTON, TEXAS 77036;**

14. Note that Annette Hall-Hullett conveyed her 1/7<sup>th</sup> interest in the above-described property to Christian Consultants of Texas, LLC on or about November 16, 2021 via Special

Warranty Deed recorded in the Real Property Records of Harris County at Clerk's File No. RP-2021-1689632.

15. The following are the Decedent's heirs:

	<u>Name</u>	<u>Address</u>	<u>Interest in Decedent's Estate</u>
1	Lisa Marie Hall-Woods	307 Hardwick Lane, Pell City, Alabama 35128	1/7th
2	Anita R. Hall-Herring	20 Crystal Lake Drive, Sterrett, Alabama 35147	1/7th
3	Diane Hall Dent	191 Whalley Avenue, New Haven, Connecticut 06511	1/7th
4	Leroy Boyd, Senior	20 Cliff Springs Road, Springville, Alabama 35146	1/7th
5	Arlene Fern Hall Nasser	12651 Artesia Avenue, #324, Cerritos, California 90703	1/7th
6	Annette Hall-Hullett	8506 Clarewood Drive, Houston, Texas 77036	1/7th
7	Kelita T. Boyd	3703 4 <sup>th</sup> Street SE, #B, Washington DC 20032	1/14th
8	Jonathan Boyd, Junior	2491 Canal Street, Apt 133, Houston, Texas 77003	1/14th

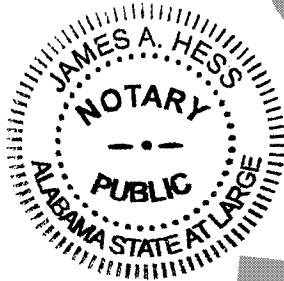
  
Anita R. Hall-Herring

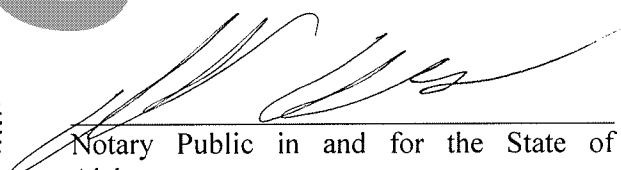
STATE OF ALABAMA

COUNTY OF SHELBY

§  
§  
§

SUBSCRIBED AND SWORN TO before me on Jan 20<sup>th</sup>, 2022 by  
Anita R. Hall-Herring.



  
Notary Public in and for the State of  
Alabama

My Commission Expires: 04/11/2023


**CORROBORATING AFFIDAVIT OF  
DORIS STUART**

**STATE OF ALABAMA**           §  
  §  
**COUNTY OF SHELBY**       §

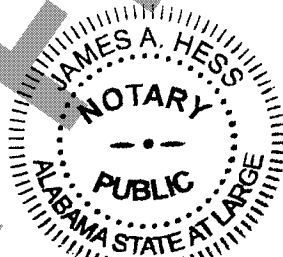
Before me, the undersigned authority, on this day personally appeared **Doris Stuart** ("Affiant") who, being first duly sworn, upon her oath states:

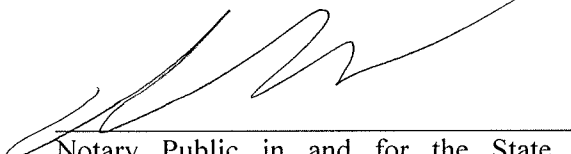
1. My name is **Doris Stuart**, and I live at 10193 Bear Creek Road, Sterrett, Alabama 35147. I am over the age of 18 years, have never been convicted of a felony, and I am fully competent to give testimony.
2. I am personally familiar with the family and marital history of **Estelle Boyd Hall** ("Decedent") and I have personal knowledge of the facts stated in this affidavit.
3. I knew decedent for at least eleven (11) years from 1999 until his death on August 31, 2011, in the capacity of friend.
4. I have read the foregoing attached Affidavit of Heirship and personally know the facts and statements contained therein regarding the Decedent to be true and correct.

Signed this date: 1/20, 2022.

  
Doris Stuart DORIS STUART

SUBSCRIBED AND SWORN TO before me on Jan 20<sup>th</sup>, 2022, by  
Doris Stuart.



  
Notary Public in and for the State of  
Alabama  
My Commission Expires: 04/11/2023

**AFTER RECORDING, RETURN TO:**  
The Weaver Law Firm  
1800 Bering Drive, Suite 1050  
Houston, Texas 77057  
WeaverLawyers.com  
(713) 572-4900

**PREPARED BY:**  
The Weaver Law Firm  
1800 Bering Drive, Suite 1050  
Houston, Texas 77057  
WeaverLawyers.com  
(713) 572-4900

**CORROBORATING AFFIDAVIT OF  
SHELLEY STUART**

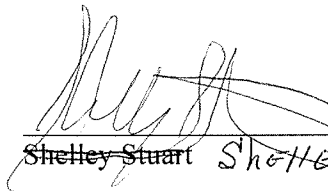
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STATE OF ALABAMA           §  
  §  
COUNTY OF SHELBY       §

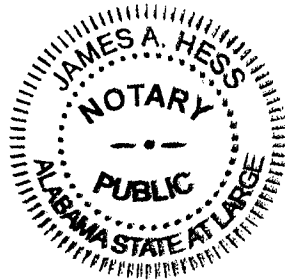
Before me, the undersigned authority, on this day personally appeared **Shelley Stuart** ("Affiant") who, being first duly sworn, upon his oath states:

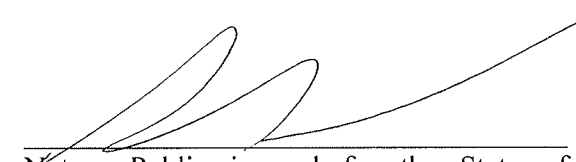
1. My name is **Shelley Stuart**, and I live at 10193 Bear Creek Road, Sterrett, Alabama 35147. I am over the age of 18 years, have never been convicted of a felony, and I am fully competent to give testimony.
2. I am personally familiar with the family and marital history of **Estelle Boyd Hall**, ("Decedent") and I have personal knowledge of the facts stated in this affidavit.
3. I knew decedent for at least forty (40) years from 1957 until her death on August 31, 2011, in the capacity of friend.
4. I have read the foregoing attached Affidavit of Heirship and personally know the facts and statements contained therein regarding the Decedent to be true and correct.

Signed this date: 1/20/22, 2022.

  
Shelley Stuart    Shelley Stewart

SUBSCRIBED AND SWORN TO before me on Jun 20<sup>th</sup>, 2022 by  
Shelley Stuart.



  
Notary Public in and for the State of  
Alabama  
My Commission Expires: 04/11/2023

RP-2022-36782

# Pages 7

01/21/2022 07:58 AM

e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

TENESHIA HUDSPETH

COUNTY CLERK

Fees \$38.00

RECORDERS MEMORANDUM

This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS

COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Teneshia Hudspeth*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

# EXHIBIT D

CAUSE NO. \_\_\_\_\_

<b>EPIPHANY PROPERTIES, LLC,</b>	§	<b>IN THE DISTRICT COURT OF</b>
	§	
<b>Plaintiff,</b>	§	
	§	
<b>v.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>LISA MARIE HALL-WOODS,</b>	§	
<b>DIANE HALL DENT, LEROY BOYD,</b>	§	
<b>SR., ARLENE FERN HALL NASSER,</b>	§	
<b>ANITA R. HALL-HERRING, KELITA</b>	§	
<b>T. BOYD, JONATHAN BOYD, JR.,</b>	§	
<b>ANNETTE HALL AKA ANNETTE</b>	§	
<b>HALL-HULLETT, AND DEUTSCHE</b>	§	
<b>BANK NATIONAL TRUST COMPANY,</b>	§	
<b>AS TRUSTEE, IN TRUST FOR</b>	§	
<b>REGISTERED HOLDERS OF LONG</b>	§	
<b>BEACH MORTGAGE LOAN TRUST</b>	§	
<b>2005-WL3, ASSET-BACKED</b>	§	
<b>CERTIFICATES, SERIES 2005-WL3,</b>	§	
	§	
<b>Defendants.</b>	§	<b>_____ JUDICIAL DISTRICT</b>
<b>STATE OF TEXAS</b>	§	
	§	<b>KNOW ALL MEN BY THESE PRESENTS:</b>
<b>COUNTY OF HARRIS</b>	§	

**DECLARATION OF KEVIN PAWLOWSKI**

“My name is Kevin Pawlowski. I am a managing member and authorized agent for the Plaintiff in the above-captioned lawsuit. I have read the Plaintiff’s Verified Petition and Application for Injunctive Relief and Appointment of Receiver (“Petition”) to which this Declaration relates and offer this Declaration pursuant to the Texas Civil Practice and Remedies Code Title 6, Section 132.001, in support of the statements and arguments asserted therein.

1. This Petition concerns the real property and improvements thereon located at 8506 Clarewood, Houston, Texas 77036 and more specifically described as:

Lot 7 in Block 25 of Sharpstown County Club Estates, Section 3, A Subdivision in Harris County, Texas according to the map or plat thereof recorded in Volume 96, Page 6 of the Map



Records of Harris County, Texas (the “Property”).

2. Plaintiff acquired its interest on the Property on or about January 10, 2022 obtaining title via Special Warranty Deed from Christian Consultants of Texas, LLC (“CCTX Deed”) which is recorded in the real property records of Harris County, Texas under instrument number RP-2022-20612. Christian Consultants of Texas, LLC (“CCTX”) purchased the Property on November 16, 2021 from Defendant Annette Hall, who executed a Special Warranty Deed on behalf of herself and the estate of Estelle Hall which was recorded in the real property records of Harris County, Texas under instrument number RP-2021-68963 (“Hall Deed”)

3. Plaintiff hired a general contractor to do significant repairs and improvements to the Property, readying the Property for sale. Plaintiff then listed the Property for sale, with a buyer ready to purchase, when Plaintiff received correspondence from attorneys on behalf of Defendants Anita Hall-Herring, who took action to stop any sale of the Property by Plaintiff.

4. According to the counsel for Defendants, an Affidavit of Heirship was executed by Anita Hall-Herring wherein the heirs at law of Estelle Hall who had acquired an interest in the Property included the named Defendants Lisa Marie Hall-Woods, Diane Hall Dent, Leroy Boyd, Sr., Arlene Fern Hall Nasser, Anita R. Hall-Herring, Kelita T. Boyd, Jonathan Boyd, Jr., and Annette Hall aka Annette Hall-Hullett.

5. Plaintiff has been unable to sell the Property nor coordinate a resolution of the title issues on the Property with the Defendants. The Property is a single-family residence that is unable to be partitioned into separate equal parcels. The Property has a fair market value of approximately at least \$375,000. The Defendant Trustee’s lien on the Property is approximately \$173,000.

6. Additionally, the Property is currently posted for foreclosure sale for the July 5, 2022 sale date by Defendant Trustee.

My name is Kevin Pawlowski, my date of birth is 11/23/1960, and my address is 222 Wedgewood, Montgomery, Texas 77356. I declare under penalty of perjury that the foregoing information is true and correct.”

Executed in Harris County, State of Texas, on the 28<sup>th</sup> day of June 2022.

DocuSigned by:

*Kevin Pawlowski*

ZA58E9F6875E4F1...

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Kevin Pawlowski

# EXHIBIT E

**HOWARD MARC SPECTOR, ESQ.**  
12770 COIT ROAD  
BANNER PLACE, SUITE 1100  
DALLAS, TEXAS 75251

(214) 365-5377 (DIRECT DIAL)  
(214) 280-4467 (CELL)  
(214) 237-3380 (FAX)  
HMS7@CORNELL.EDU (E-MAIL)

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## Professional Information

*Principal, Spector & Cox, PLLC f/k/a Spector & Johnson, PLLC, Dallas, TX* 1999 – *Present*  
In 1999, I established my own bankruptcy and business litigation practice representing parties involved in bankruptcy and commercial litigation matters. As part of my practice, I have served as receiver for liquidating and operating enterprises in Texas, including the following:

- *Willows of Woodhaven*; Cause No. 236 218056 06 (236<sup>th</sup> District Court – Tarrant County, Texas);
- *K&SR Investments, Inc.*; Cause No. 017-256745-11 (17<sup>th</sup> District Court – Tarrant County, Texas) – single asset real estate;
- *In the Marriage of Amini*; Cause No. 429-50444-2017 (429<sup>th</sup> District Court – Collin County, Texas) – liquidation of real estate assets in connection with divorce;
- *West Summit Investments, LP, v. Neal Richards Group, LLC, et al.*; Cause No. C-17-12500 (68<sup>th</sup> District Court – Dallas County, Texas) – windup of Forest Park hospital partnerships;
- *Mario's Automart*; Cause No. 11-12708 (95<sup>th</sup> District Court – Dallas County, Texas) – operation of automotive sale concern during ownership dispute;
- *Buell Door Company*; Cause No. 06-06449 (68<sup>th</sup> District Court – Dallas County, Texas) – conducted extended wind-down operations and liquidation of approximately \$6 million commercial fire door manufacturing and retail operation;
- *Hoss Equipment Co.*; Cause No.-09-07231 (193<sup>rd</sup> District Court, Dallas, County, Texas) – liquidation of \$14 million mining equipment concern over 2 year period;
- *BF Las Colinas, LP (Four Seasons Las Colinas)*; Cause No. 09-17168 (160<sup>th</sup> District Court – Dallas County, Texas) – operation of the Four Seasons Las Colinas hotel and resort;
- *Cardell Cabinetry, LLC*; Cause No. DC13-09777 (116<sup>th</sup> District Court, Dallas County, Texas) – rehabilitative receivership of major resort hotel;
- *R.E. Loans, LLC*; Cause No. DC-13-12415 (14<sup>th</sup> District Court – Dallas County, Texas) – management of \$30 million -- \$40 million real estate loan portfolio;
- *PSI Fund II, Ltd.*; Cause No. DC 13-14761 (68<sup>th</sup> District Court – Dallas County, Texas) – management of specialized loan portfolio;
- *G.P. Plastics Corporation*; Cause No. 13-10697 (298<sup>th</sup> District Court – Dallas County, Texas) – liquidation of specialized plastics manufacturing company;
- *Yolande A. Freimuth*; Cause No. 199-01937-2012 (199<sup>th</sup> District Court – Collin County, Texas) – single asset real estate;
- *Scott Pelley, P.C.*; Cause No. CV 11-1026 (15<sup>th</sup> District Court – Grayson County, Texas) – division of legal partnership;
- *Precision Recovery Analytics, Inc.*; Cause No. 11-04722 (162<sup>nd</sup> District Court – Dallas County, Texas) – operation and sale of assets for owner of a \$35 million consumer receivables portfolio;
- *VP Properties, L.P. (Forest Hills Mobile Home Park)*; Cause No. 342-236167-09 (342<sup>nd</sup> District Court – Tarrant County, Texas) – operation of a large mobile home park for the benefit of creditors for over 12 months;

- *Carlton Apartments, LLC*; Cause No. 141-236073-09 (141<sup>st</sup> District Court – Tarrant County, Texas);
- *Elite Energy Services, Inc. et al.*; Cause No. 09-04912 (192<sup>nd</sup> District Court – Dallas County, Texas);
- *Woodside Terrace Apartments*; Cause No. 09-07669 (101<sup>st</sup> District Court – Dallas County, Texas);
- *Macart, Ltd.*; Cause No. 08-07253 (101<sup>st</sup> District Court – Dallas County, Texas);
- *Western Reserve Capital Management, L.P.*; Cause No. DC-10-03194 (191<sup>st</sup> District Court – Dallas County);
- *Stewart McCray*; Cause No. 07-12998 (68<sup>th</sup> District Court – Dallas County, Texas);
- *David Douglas d/b/a Douglas Lead Supply*; Cause No. 08-01317 (193<sup>rd</sup> District Court – Dallas County, Texas);
- *Las Palmas Apartments, Ltd.*; Cause No. 09-07671-M (298<sup>th</sup> District Court – Dallas County, Texas);
- *Odes Ho Kim*; Cause No. 07-01403 (193<sup>rd</sup> District Court – Dallas County, Texas);
- *Missouri City Corners*; Cause No. 09-DCV-168873 (400<sup>th</sup> District Court – Fort Bend County, Texas);
- *Seguin Corners*; Cause No. 09-0187-CV (25<sup>th</sup> District Court – Guadalupe County, Texas);
- *2003 Westfield Apartments, L.P.*; Cause No. 2007-38147 (190<sup>th</sup> District Court – Harris County, Texas);
- *MBS – Forest Cove, Ltd.*; Cause No. 2007-70183 (55<sup>th</sup> District Court – Harris County, Texas);
- *Oradell/321-Dallas, L.P. (Pines Point Apartments)*; Cause No. 07-05861-F (116<sup>th</sup> District Court – Dallas County, Texas);
- *MBS – Red Oak Place, Ltd. (Red Oak Apartments)*; Cause No. 2007-69228 (125<sup>th</sup> District Court – Harris County, Texas);
- *Center Ridge Apts., Ltd.*; Cause No. 05-11917 (160<sup>th</sup> District Court – Dallas County, Texas);
- *Westfield Apartments*; Cause No. 2007-38147 (190<sup>th</sup> District Court – Houston County, Texas);
- *Parkdale Gardens*; Cause No. 07-09180 (116<sup>th</sup> District Court – Dallas County);
- *Banna*; Cause No. 06-10013 (192<sup>nd</sup> District Court – Dallas County, Texas);
- *Indian Ridge Apartments, Ltd.*; Cause No. 06-1674 (68<sup>th</sup> District Court – Dallas County, Texas);
- *Cedarmon, L.P.*; Cause No. 07-00306 (134<sup>th</sup> District Court – Dallas County, Texas);
- *Willows of Woodhaven*; Cause No. 236 218056 06 (236<sup>th</sup> District Court – Tarrant County, Texas);
- *Indian Ridge Apartments*; Cause 06-11674 (68<sup>th</sup> District Court – Dallas County, Texas);
- *Easton Terrace I Apartments, Easton Terrace II Apartments, Northlake Terrace Apartments and Northwest Terrace Apartments*; Cause No. 05-06310 (95<sup>th</sup> District Court – Dallas County, Texas);
- *The Pointe Apartments at Ridgecrest, Ltd.*; Cause No. 03-02673 (193<sup>rd</sup> District Court – Dallas County, Texas);
- *Prime Campus Housing (University Plaza)*; Cause No. 2005-529,960 (99<sup>th</sup> District Court – Lubbock County, Texas);

- *Schlotzsky's N.A.M.F., Inc. and Schlotzsky's N.A.M.F. Funding LLC*, Cause No. GN-403907 (98<sup>th</sup> District Court – Travis County, Texas);
- *DStar Bennington Partners, LLC*; Cause No. 05-00884 (162<sup>nd</sup> District Court – Dallas County, Texas);
- *Lifecast.com*; Cause No. 01-03974 (160<sup>th</sup> District Court – Dallas County, Texas);
- *Raphael Apartments Ltd.*; Cause No. 03-12057 (193<sup>rd</sup> District Court – Dallas County, Texas);
- *S-B Singh Enterprises*; Cause No. 04-10572 (134<sup>th</sup> District Court – Dallas County, Texas);
- *Bradford Cartage, Inc. and Mike Bradford Leasing, Inc.*; Cause No. 01-98 (69<sup>th</sup> District Court – Moore County, Texas);
- *MBS - Woodland Hills, Ltd.*; Cause No. 2007-73921 (125<sup>th</sup> District Court – Harris County, Texas);
- *2020 Plantation, LLC – (Timbers of Pine Hollow Apartment Homes)*; Cause No. 07-12-12241 (284<sup>th</sup> District Court – Montgomery County, Texas);
- *MBS – Fox Chase, Ltd.*; Cause No. 07-13353-A (14<sup>th</sup> District Court, Dallas County, Texas);
- *Briarwillow Partners, Ltd.*; Cause No. 2008-48343 (80<sup>th</sup> District Court, Harris County, Texas); and
- *Kimball Square, Ltd.*; Cause No. 08-9867-M (298<sup>th</sup> District Court, Dallas County, Texas).

Attorney, Hughes & Luce, L.L.P., Dallas, Texas

1996 - 1999

As an attorney in the Creditor's Rights and Business Reorganization Section, my practice centered around providing legal counsel to pre-petition and debtor-in-possession (DIP) lenders; debtors, creditors and official committees in local and national Chapter 11 proceedings. Representative cases: *In re ERLY Industries, Inc.* (S.D. Texas – Unsecured Creditors' Committee Counsel); *Neostar/Babbages* (N.D. Texas – DIP Lender's Counsel); *Eyeglass SpyGlass* (E.D. Texas – Unsecured Creditors' Committee Counsel); *Fuller's Jewelry* (N.D. Texas – Debtor's Counsel); *Ameritruck* (N.D. Texas – Lender's Counsel).

Attorney, Sheinfeld, Maley & Kay, P.C., Dallas, Texas

1992 - 1996

Prior to joining Hughes & Luce, I practiced with the firm Sheinfeld, Maley & Kay, P.C., generally concentrating on the representation of corporate debtors, creditors' committees and bankruptcy trustees in Chapter 11 reorganization proceedings. Representative Cases: *Dow Corning Corporation* (E. D. Mich. – Debtor's Counsel); *Annie's Attic* (E.D. Texas – Unsecured Creditors' Committee Counsel); and *United States Brass* (E.D. Texas – Trade Creditors' Committee Counsel).

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## Biographical and Educational Information

J.D., 1992, VANDERBILT UNIVERSITY SCHOOL OF LAW, Nashville, Tennessee.

Law Review: *Vanderbilt Journal of Transnational Law*, Book Review Editor.

B.S. (with honors), 1989, CORNELL UNIVERSITY, Ithaca, New York.

Major: Finance/Applied Economics.

Born, New Hartford, New York, July 15, 1967.

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## Admissions

Texas Supreme Court, 1992  
Eastern District of Texas, 1994  
Southern District of Texas, 1996  
Western District of Texas, 1997  
Eastern District of Wisconsin, 2012

Northern District of Texas, 1992  
Eastern District of Michigan, 1995  
Northern District of New York, 1996  
U. S. Court of Appeals for the Fifth Circuit, 1997  
Central District of Illinois, 2018

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## Professional Honors

Chairperson, Dallas Bar Association, Bankruptcy and Commercial Law Section, 2013.  
Fellow, Texas Bar Foundation

Texas State Chair, Commercial Receivers Association, 2022

Adjunct Professor, UNT Dallas College of Law, Bankruptcy, 2017-2018.

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## Publications

- *Bridges Over Troubled Waters: Lending Before, During and After Bankruptcy*, TEXAS BUSINESS LAW JOURNAL, Winter 1998.
- *Deep Through the Heart of Texas: The Effect of Pending Bankruptcy Legislation on Consumer Bankruptcies*, TEXAS LAWYER, August 10, 1998.
- *Pre-Bankruptcy Planning Using State Exemption Laws* in REAL ESTATE WORKOUTS AND BANKRUPTCIES, Practising Law Institute, 1993 (co-author).
- *Post-Filing Considerations in Business Cases*, SOUTHEASTERN BANKRUPTCY LAW INSTITUTE, 1993 (co-author).

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## References

Upon request.

### **Automated Certificate of eService**

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Jason LeBoeuf on behalf of Jason LeBoeuf  
Bar No. 24032662  
jason@leboeufllawfirm.com  
Envelope ID: 71704880  
Status as of 1/11/2023 2:43 PM CST

#### **Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Jason Andrew Leboeuf	24032662	jason@leboeufllawfirm.com	1/11/2023 2:35:58 PM	SENT
Eric Mettenbrink		emettenbrink@hirschwest.com	1/11/2023 2:35:58 PM	SENT
Michael F.Hord		mhord@hirschwest.com	1/11/2023 2:35:58 PM	SENT